

and west of the site that parallel the Decoverly Tributary of Muddy Branch. The developers will work with WSSC through the utility's system extension permit process to secure the necessary approvals for the off-site and on-site water and sewer main extensions required to serve this project.

Noise

The applicant has completed a baseline existing noise analysis and they have noted that noise is an issue along Sam Eig Highway and Fields Road/Omega Drive. Analysis of future noise conditions based on projected/ultimate traffic conditions should be conducted at the next stage of review, and a noise mitigation concept developed. The top priority for noise mitigation is to place noise tolerant site uses (e.g., storm water management, non-residential uses, parking areas, active recreation areas, etc.) in the noise impacted areas. Noise-sensitive development (residential units, passive recreational areas, etc.) should be set back away from Sam Eig Highway and Fields Road.

Use of Green Urbanism Techniques

M-NCPPC staff encourages the use of creative strategies by which all developments reduce their ecological footprints, while at the same time becoming livable and equitable places. This development proposal promotes a condensed form of development around the transitway, mixed uses, walkable neighborhoods, and housing choices. Natural resources, such as streams, forests, and wetlands should be preserved and protected to help build *genius loci* or spirit of the place and to assist in keeping the air and water clean. Green building standards, as defined by the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) program make large contributions to the sustainability of the city and region.

Green or high performance buildings, and protection of natural resources should be integrated into each use within this mixed-use development and expanded upon to create a green community development form. Goals of the green community should be to reduce energy use and protect air quality. Some specific considerations for creating a green community are: pervious green spaces judiciously placed throughout the development in a connected pattern; tree planting rates in the range of 15 to 25 percent to sequester carbon dioxide; use of reflective pavement; building orientation for passive solar, a fine textured grid of pedestrian and bicycle paths; and amenities such as community gardens.

HISTORIC RESOURCES

Staff recommends that the City of Gaithersburg include historic preservation provisions for the England-Crown Farm in the annexation agreement. These provisions should include:

- A historic and architectural analysis of the England-Crown Farm complex with a detailed statement of historic significance and definition of the period of significance. The analysis should include a detailed description of each of the buildings on the parcel (P833), a history of construction, and a categorization of their historic value (outstanding, contributing, non-contributing). In addition, the analysis should include significant landscape features and vista.

- Developer agreement to renovate or restore the residential and agricultural buildings in conjunction with the use proposal. An example of such an agreement was the Waters House in the Milestone subdivision in which the historic house and farm outbuildings were renovated or stabilized by the developer.
- Identify a compatible use for the historic buildings. Determine owner/occupant and funding source for determined use.
- Provide adequate environmental setting for historic context and for adaptive use.
- Orient roads and new construction to provide due respect for historic buildings and their setting.

The proposed annexation petition includes the England-Crown Farm, a historic site (at 9800 Fields Road) designated on the County *Master Plan for Historic Preservation* in 1984. The historic site is a farmstead with a comprehensive complex of farm structures dating from the mid-1800s to the mid-1900s. Staff recommends that the annexation agreement provide adequate protection for this significant historic resource. The historic site is a farmstead composed of several residential and agricultural buildings that were built between the early 1800s and the early 1900s. The current environmental setting is 75.8 acres, being the entire parcel P833.

The England-Crown Farm is a complex of buildings that date from three main historic periods of farming:

- Period 1: Hunter family, early 1800s.
- Period 2: England family, 1890s
- Period 3: Crown family, early 1900s

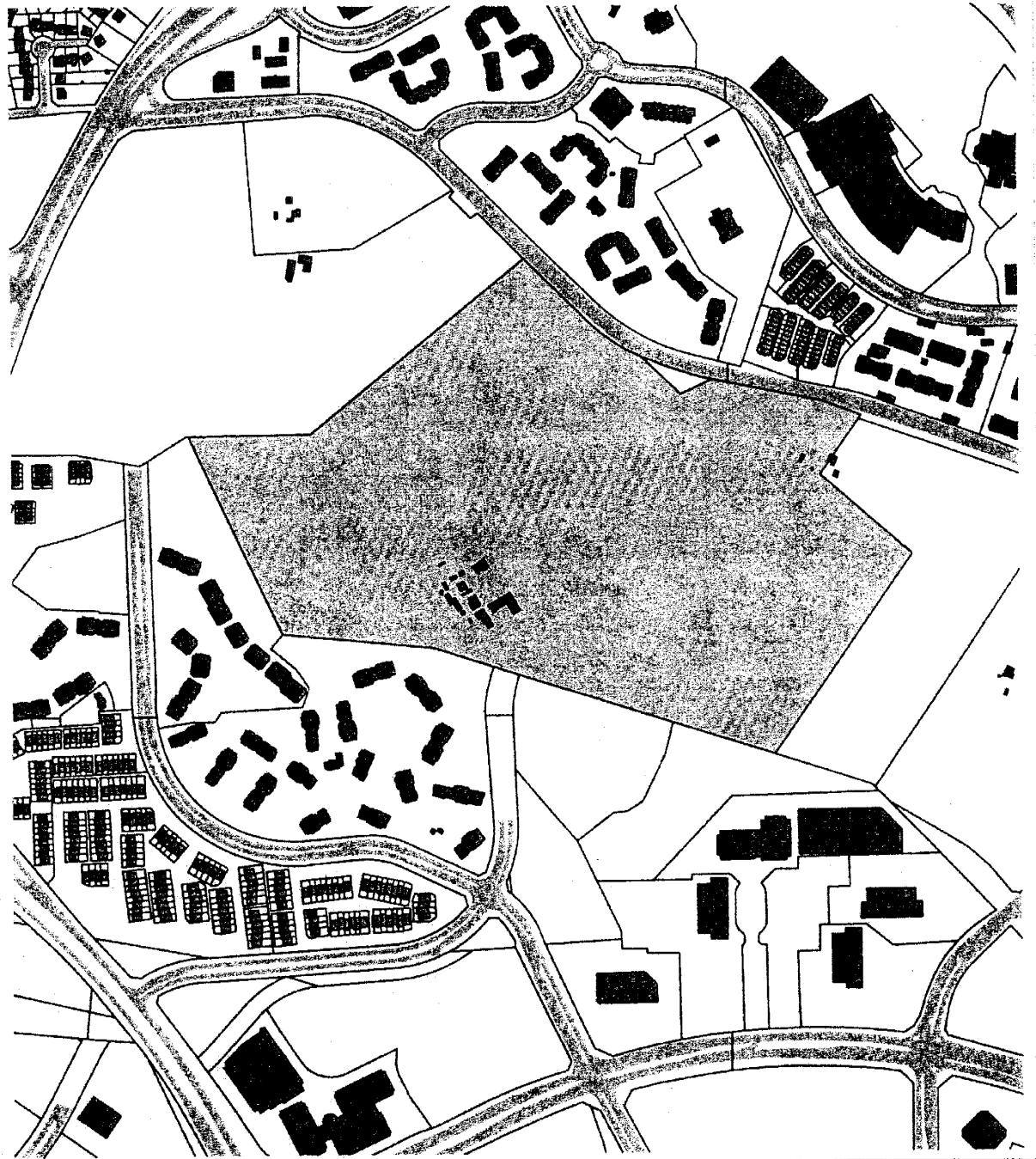
The buildings in the farm complex represent each of these periods of ownership and are highly representative of the history of farming in the Gaithersburg area. From the available research data and preliminary visual analysis, it is apparent that the earliest buildings are a log residence and an early timberframe barn that represent the Hunter period of ownership. The England family built the frame Victorian Vernacular farmhouse. During their period of ownership that the smoke house, corn house and hay barn were constructed. The Crown family, who operated a dairy farm, built the concrete block dairy barn, milk house, and silo.

When the resource was designated as a historic site in 1984, the rationale clearly stated that the England-Crown Farm is a "typical Maryland farmstead." In addition to the frame and log residences mentioned in the Gaithersburg staff report, the farmstead includes farm buildings. The historic farm buildings are important to understanding the farming history of the property.

In all, there are some 15-20 structures in this complex of buildings. Not all of these buildings are historically or architecturally significant. Staff has identified some of the most significant buildings. In addition to the frame and log residences, these structures include the smokehouse, corn house, hay barn, early timberframe barn, dairy barn, milk house and silo. Other buildings on the plan that are not labeled may include sheds and other storage structures that may not be architecturally or historically significant.

The current environmental setting is 75.8 acres. (The *Shady Grove West Master Plan* mistakenly identified the historic property on an adjacent 47.5-acre parcel P481.) A reduced environmental setting must retain sufficient land around the historic farmstead to retain its historic character and to permit feasibility of a new use. Given the density of housing proposed, an agricultural use is clearly prohibited. Yet the five acres proposed in the applicant's concept/sketch plan may be insufficient for providing historic context for the property, whatever the new use may be.

CROWN FARM ENVIRONMENTAL SETTING 75.8 AC P833



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Casual User Application



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8767 Georgia Avenue - Silver Spring, Maryland 20910-3704

COUNTY REVENUE IMPLICATIONS

Local government revenues are tied to geography either as taxes on land or as revenues allocated by place of residence. The annexation of the Crown property by the City of Gaithersburg would shift several revenue sources currently received by County level agencies to the City. The table below indicates the estimated special service area taxes paid to the County that would not be paid after annexation based on the 2005 levy year rate schedule. Also included is the estimated park tax that should continue to be paid after annexation. Although these lost revenues are somewhat negligible as long as the farm remains in agricultural use, they will grow considerably as development occurs on the property. Due to time constraints, staff has not conducted a full fiscal impact analysis of the MXD sketch plan in terms of projected property values and yearly tax losses to build-out.

There are four County property tax rates that currently apply to the property but they do not apply to properties in the City of Gaithersburg. These are the Metropolitan Tax and Regional Tax that go to the M-NCPPC, the Recreation Tax that goes to the County Recreation Department, and the Storm Drainage Tax that goes to WSSC. The Highway Users Fund, which allocates State fuel taxes and vehicle registration fees, based on road mileage and vehicle registrations in the area, will go to the City of Gaithersburg instead of the County for this area.

Certain property taxes that are not collected from City of Gaithersburg properties partially support the M-NCPPC. The Regional Tax for 2005 is \$11,926 and the Metropolitan Tax that supports the park program is \$33,069. Since any future residents of the Crown Property will benefit from the M-NCPPC Parks, staff recommends that a future annexation agreement contain language to ensure continuity of payment for Metropolitan (Park) taxes after annexation.

City of Gaithersburg Annexation Petition (Crown Farm)

(Parcels P445, P600, P820, P833, P905, N094)

ESTIMATED ANNUAL TAX PAID TO THE COUNTY BEFORE ANNEXATION (2005 Levy Year)

Total Appraised Value of the Properties	\$54,211,100
Appraised Value Divided by 100	\$542,111
Multiplied by the Total Tax Rate of:	1.099
= Total Annual Tax Paid to the County	\$595,780

ESTIMATED SPECIAL SERVICE AREA TAXES PAID TO THE COUNTY THAT WOULD NOT BE PAID AFTER ANNEXATION BASED ON 2005 LEVY YEAR RATE SCHEDULE

	TAX RATE	ASSESSED VALUE/100	YEARLY TAX LOSS
Recreation Tax	0.025 *	\$542,111 =	\$13,553
Regional Tax	0.022 *	\$542,111 =	\$11,926
Storm Drainage Tax	0.003 *	\$542,111 =	\$1,626
Total Yearly Loss to County			\$27,105

ESTIMATED PARK TAX THAT SHOULD CONTINUE TO BE PAID AFTER ANNEXATION

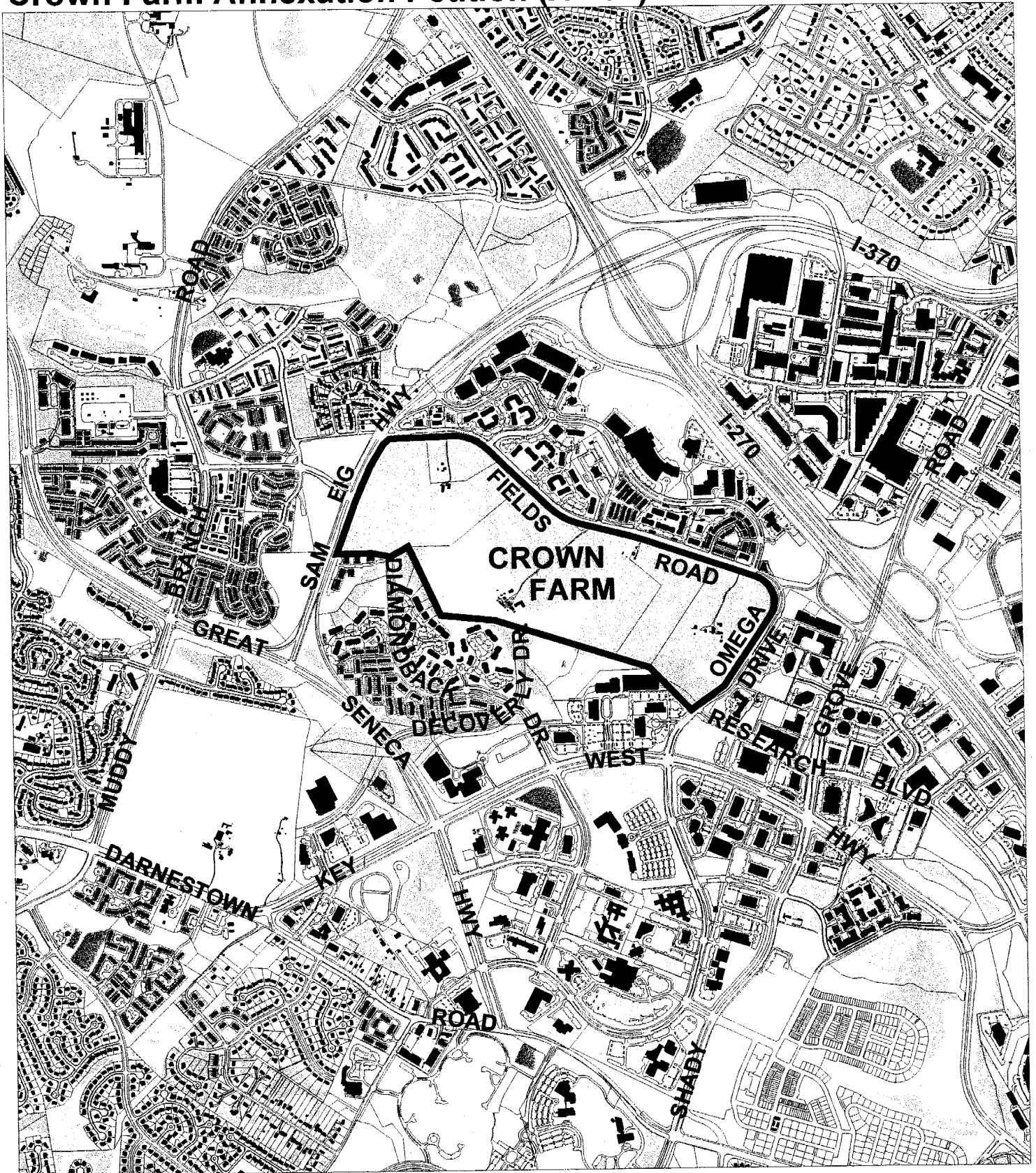
	TAX RATE	ASSESSED VALUE/100	PARK TAX
Metropolitan Tax	0.061 *	\$542,111 =	\$33,069

Sources: Montgomery County Department of Finance
State Department of Assessments and Taxation

Montgomery County Park and Planning Department,
Research and Technology Center, March 8, 2006.

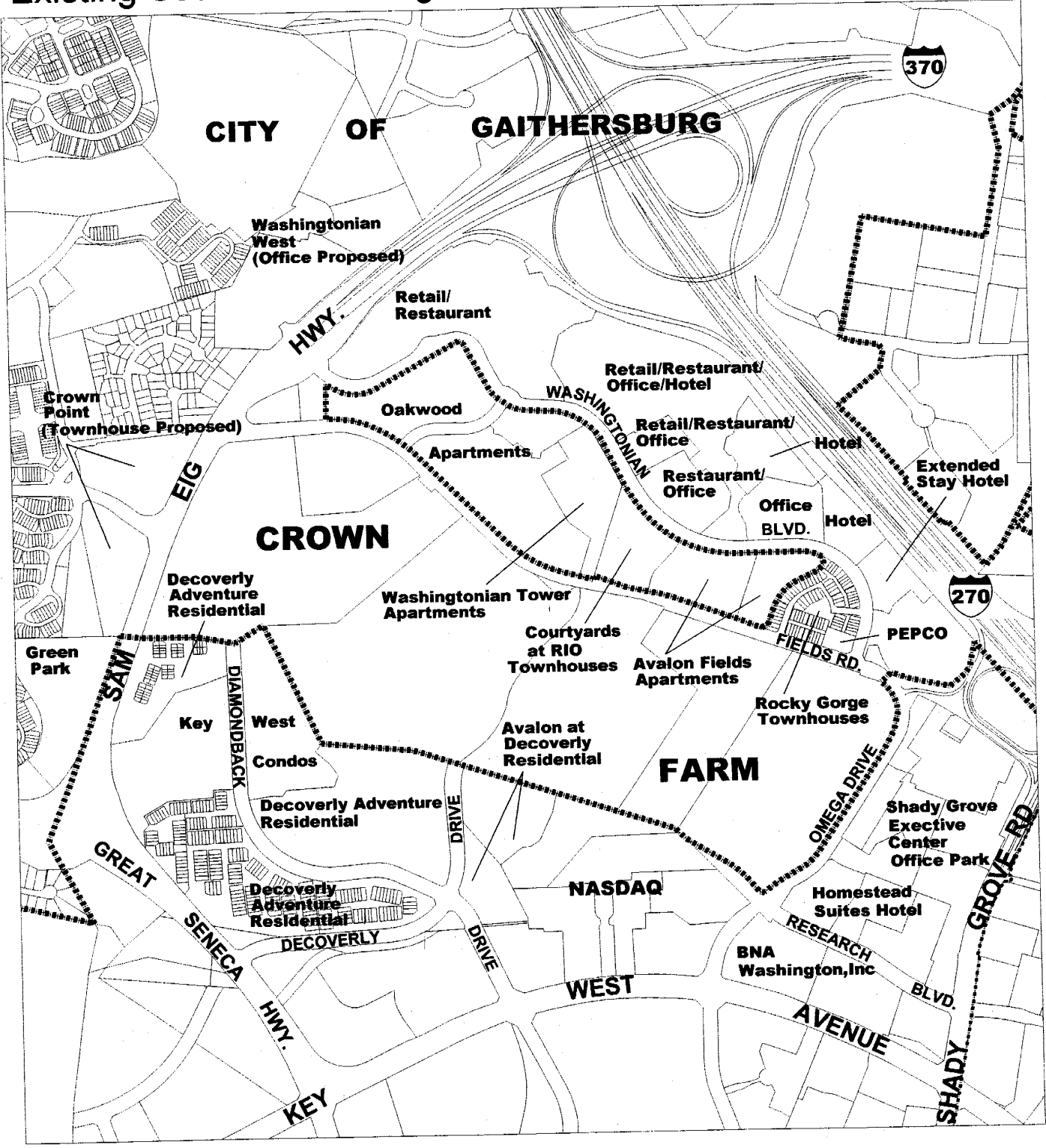
- Attachment 1: Crown Farm Annexation Petition (X-182)
- Attachment 2: Existing Uses Surrounding Crown Farm
- Attachment 2A: City of Gaithersburg Staff Analysis and Preliminary Recommendations
- Attachment 3: Applicant's Concept/Sketch Plan for the Crown Farm
- Attachment 4: 1997 City of Gaithersburg Master Plan: Map of Maximum Expansion Limits (MEL)
- Attachment 5: 1990 *Shady Grove Study Area Master Plan* Zoning Map
- Attachment 6: 1990 Master Plan Crown Farm Text
- Attachment 7: 1990 Master Plan Land Use Map
- Attachment 8: An Evaluation of Retail Potential at the Crown Farm
- Attachment 9: Existing Boundary and County Zoning
- Attachment 10: Boundary After Proposed Annexation

NS:CM:ha: G:Murray/CrownFarmAnnexation6



0 1600'

Existing Uses Surrounding Crown Farm



- Potential City of Gaithersburg Boundary
- City of Rockville Boundary

MEMORANDUM TO: Montgomery County Planning Board

FROM: Greg Ossont, Director
Planning and Code Administration

DATE: March 6, 2006

SUBJECT: Staff Analysis and Preliminary Recommendations

X-182 - Application to annex 182.81725 acres of land adjacent to the present corporate limits, known as the Crown Property, located at the southwest side of Fields Road, bounded by Sam Eig Highway to the northwest and Omega Drive to the southeast. The application requests a reclassification of the subject property from the current R-60/TDR (Medium Density Residential with Transfer of Development Rights), R-200 (Low Density Residential), and R-200/TDR Zones in Montgomery County to the MXD (Mixed Use Development) Zone in the City of Gaithersburg, Maryland.

OWNERS:

Crown Village Farm, LLC
c/o KB Home Maryland LLC
8000 Tower Crescent Drive #1350
Vienna, VA 22182-6207
(Owner of 176.20820 Acres)

Meridian Northwestern Shady Grove West, LLC
c/o Meridian Group
3 Bethesda Metro Center, Suite 610
Bethesda, MD 20814-5392
(Owner of 0.15773 Acres)

Montgomery County
101 Monroe Street
Rockville, MD 20850
(Owner of 6.45123 Acres)

APPLICANTS:

Crown Farm Village, LLC
c/o KB Home Maryland LLC
8000 Tower Crescent Drive #1350
Vienna, VA 22182

Catherine C. Stinson
10000 Fields Road
Gaithersburg, MD 20878

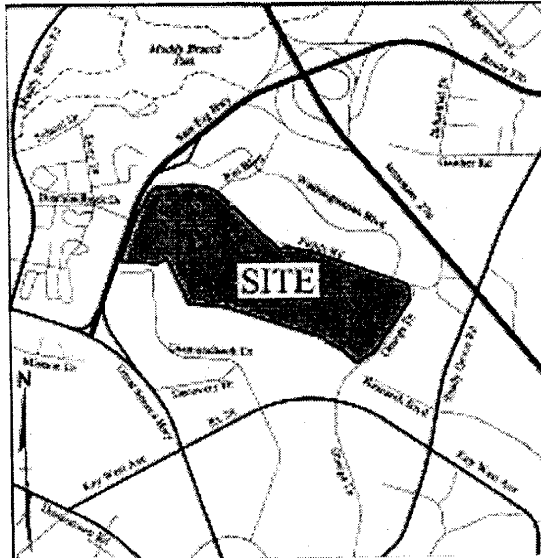
Clyde A. Stinson
10000 Fields Road
Gaithersburg, MD 20878

DEVELOPER:

Crown Farm Village, LLC
c/o KB Homes
8000 Towers Crescent Drive #1350
Vienna, VA 22182

TAX MAP REFERENCE:

Tax Sheets: FS 341, FS 342, FS 561, FS 562
Tax ID Numbers: 09-00769292, 09-00777372, 09-00769270,
09-00769268, 09-00769304



LOCATION:

The subject property is generally located east of the intersection of Diamondback Drive and Sam Eig Highway, south of that portion of Fields Road located within the corporate limits of the City of Gaithersburg, west of Omega Drive, and north of the current terminus points of Diamondback Drive and Decoverly Drive. The property includes portions of Sam Eig Highway, Fields Road and Research Boulevard right of ways that abut the property and are not currently within the municipal limits of the City of Gaithersburg. The above map shows the area of the proposed annexation.

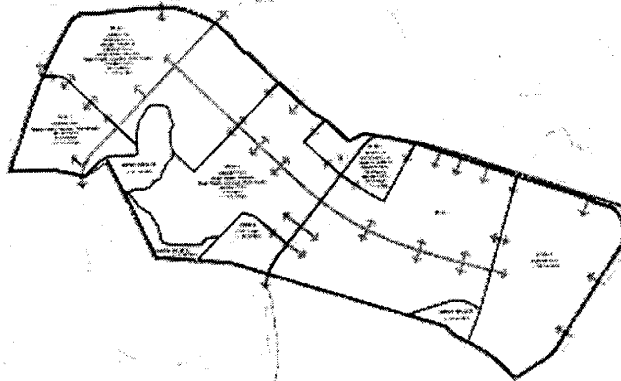
SUMMARY OF PROPOSED DEVELOPMENT:

The applicant has requested a range of 1,975 to 2,550 residential dwelling units and 260,000 to 370,000 square feet of commercial density. The applicant is proposing a transit-oriented, traditional neighborhood design. The applicant has voluntarily agreed to donate a 30-acre site for construction of a public high school at the location shown on the Sketch Plan. The applicant's attached presentation from the February 6, 2006 Public Hearing provides an overview of the vision for this property.

THE CROWN PROPERTY

Vision for a New Community

MXD Concept/Sketch Plan



BACKGROUND:

The annexation petition requests the annexation of 182.81725 acres. Crown Village Farm, LLC, is the owner of 176.20829 acres with the remainder of the property consisting of 0.15773 acres owned by Meridian/Northwestern Shady Grove West, LLC, and 6.45123 acres of Montgomery County owned right of ways. The property further consists of Parcels P600, P445, P833, P820, P905, and N094, as shown on Montgomery County Tax Maps. The roadways and the parcels are adjacent and contiguous to the current City limits.

A three-day public charrette, sponsored by the developer, Crown Farm Village LLC, was held September 22-25, 2005, and attended by approximately 250 people. Attendees, including City staff and officials as well as Maryland-National Capital Park and Planning, Montgomery County Public Schools and Montgomery County staff and officials, participated in a tour of the Crown Property and provided input into the vision for its development. The results of the charrette were formally presented by the developer to the City Council and Planning Commission on October 10, 2005.

A joint public hearing on the proposed annexation was held before the City Council and the Planning Commission of the City of Gaithersburg on February 6, 2006. The public hearing was duly advertised and posted. In addition, adjacent property owners within 500 feet and required agencies were notified per Article 23A, Subsection 19(a) of the *Annotated Code of Maryland*. The required outline of public facilities was prepared and distributed to appropriate parties.

At the public hearing, Matthew Bell of Ehrenkrantz, Eckstut and Kuhn Architects and representing the developer, reiterated the outcome of the community charrette and stated that public feedback suggested a walkable community with high quality design, a

community friendly high school design at the southern end, greater retail choices anchored by a grocery store and a connection to Washingtonian retail at the Sam Eig side of the site, convenient mass transit integrated with the community, and access to natural and active public parks.

Attendees at the public hearing raised additional issues relating to adequacy of infrastructure and public facilities, affordable housing, increase in traffic, the proposed high density, impact on schools, and the proposed development of the Cities Corridor Transitway (CCT).

Minutes and a transcript of the meeting are available at www.gaithersburgmd.gov, or the taped version may be viewed online under *Archived City Council Meetings*. The records of both the City Council and Planning Commission were held open indefinitely.

The first public joint work session with the City Council and Planning Commission was held on February 27, 2006, at which time the issues were discussed in more depth. During the course of this work session, the Mayor and City Council and Planning Commission provided the following guidance:

- Overall residential density should not exceed density permitted under the County's existing Master Plan;
- Clubhouse and Homeowner's Association (HOA) facilities must be better integrated into the community, and additional green space must be provided;
- Significant affordable housing component must be included;
- Five-acres of land should be dedicated to the City as parkland;
- Proposed changes to the CCT alignment and proposed changes to the location of the transit station are appropriate;
- POD #2 should be eliminated and integrated into POD #1; and,
- Overwhelming majority of multi-family dwellings should be located over the retail components of POD #1 and near the transit station within POD #6.

MAXIMUM EXPANSION LIMITS:

Neither the *City of Gaithersburg 2003 Master Plan Process and Overview* nor the *Land Use Element of the Master Plan* (2003) addresses Maximum Expansion limits. However, the purpose of setting maximum expansion limits was defined in the City's previous Master Plan of 1997, namely, that the determination of maximum expansion limits serves as a useful planning tool in determining service needs and responsibilities.

While not shown as part of the maximum expansion limits in 1997, the Crown Farm is nevertheless listed in the City's 2003 Land Use Master Plan as a potential area to be incorporated into the municipal boundaries. It is labeled as future "Special Study Area 4" due to its proximity to the existing City boundaries.

ENVIRONMENT:

The Crown Farm property is a roughly rectangular shaped 177.9-acre site, located along the south side of Fields Road extending to Sam Eig Highway to the west and Omega Drive to the east. The property slopes and drains south towards the property line that follows a stream valley. The stream drains in a westerly direction and is a perennial tributary to the main-stem of the Muddy Branch. The current land use is predominantly agriculture, as the property is composed of four (4) separate farmsteads with associated buildings and open agricultural fields. The England/Crown House, identified on Montgomery County's Master Plan as a historic structure, is located in the central portion of the property. Fencerows delineate the fields and many are overgrown with invasives such as Japanese honeysuckle. Common to working farms, underground fuel tanks exist on the site, as do areas for dumping and machine storage. Future environmental assessments and clean up of these sites is recommended.

Two (2) underground water transmission lines, traveling in a north-south direction, bisect the property. A storm drain system travels from the Washingtonian Center beneath the subject site and outfalls beyond the southern boundary of the Crown Farm site. A number of grading and drainage easements are found along the improved perimeter of the site.

The Department of Natural Resources (DNR) has confirmed there are no rare, threatened, or endangered species on the site. The Crown Farm contains the typical array of urban wildlife species: deer, chipmunk, squirrel, fox, and assorted bird species.

The Crown Farm site contains seven soil types according to the "Montgomery County Soil Survey." The majority of the site is Gaila and Glenelg silt loams and comprise the agricultural fields. The Natural Resource Conservation Service (NRCS) has identified two (2) of the found soils, Baile silt loam and Hatboro silt loam, as hydric and one (1), Brinklow-Blocktown channery silt loam as highly erodible. These soils are allied with the stream and stream valley buffer. These soil types help confirm the presence of wetlands. Approximately 6.02 acres total of the site are considered 100-year floodplain, in which are found the wetlands. The National Wetlands Inventory of the U.S. Fish and Wildlife Service has identified two (2) wetlands: one being the farm pond and the other a palustrine forested wetland found along southern property line. Following an on-site wetland delineation performed by McCarthy & Associates, a total of .88 acres of non-tidal wetlands were identified. This was confirmed by the U.S. Army Corps of Engineers, who issued a Jurisdictional Determination (JD).

The 15.05± acres of southern stream valley buffer holds not only the 0.88± acres of on-site wetlands, but also the greater part of the identified forest. Although dominated by rotation crop agricultural fields, 7.5± acres of forest composed of eight (8) separate stands have been delineated. These stands are home to the majority of the 141 specimen trees found throughout the Crown Farm. The eight (8) stands fall into one of four descriptive categories:

- a) Successional/Transitional: Dominated by Tulip poplar, Red maple, Ailanthus, Black walnut, and Red cedar. The majority of trees measure 2-4" diameter at breast height (DBH).
- b) Mature Hardwoods: Dominated by Tulip poplar, Red maple, and mixed oaks. This category is located along stream channels with many of the trees measuring 24" DBH (specimen) or greater.
- c) Transitional/Immature: Dominated by Tulip Poplar with some Black Cherry and Red Maple. The trees usually measure 2-6" DBH.
- d) Sawtimber, Poletimber, and Mature Mixed Hardwoods: Dominated by Tulip Poplar and Red Maple. Trees in this category measure from 6" to greater than 24" DBH.

The stands are as follows:

Stand 1: Category (A) This 0.8-acre stand is sited near a small stream and was probably earlier farmed field allowed to go fallow that has begun to revert to forest. Large number of invasive species including multi-flora rose are found in this stand. This stand has a high retention value.

Stand 2: Category (B) This 0.42-acre stand is located alongside and around the southern stream channel. Non-tidal wetlands are found throughout this stand. This stand has an abundance of groundcover, shrubs, and specimen trees, many of which are wetland species. This stand has a high retention value.

Stand 3: Category (E) This 0.36-acre stand is located on a hillside with some steep slopes. This stand, with the dominant Tulip Poplars and associate mixed hardwoods species (Oaks), maintains a number of specimen trees. This stand has a high retention value.

Stand 4: Category (E) This 0.34-acre stand is very similar to Stand 3, but with less associated Oak species. It is located on a steep sloped hillside that ends at the stream and wetlands found in Stand 2. This stand has a high retention value.

Stand 5: Category (B) This 0.87-acre stand is aligned with the stream channel and associated wetlands. This stand could be prone to flooding. Composed of mostly Tulip Poplars, there are a number of mixed Oak species and specimen trees present. The understory vegetation found is associated with hydric soils and wetlands. This stand has a high retention value.

Stand 6: Category (E) This 1.84-acre stand, with a number of specimen trees, is located on the north side of Stand 5. The environmental setting is the same as Stand 5 with the stream channel and wetlands. Tulip poplars

dominate with associated mixed hardwoods. This stand has a high retention value.

Stand 7: Category (E) This 2.3-acre stand is located on the south side of Stand 5. It has the same structure and setting as Stand 6 with Tulip Poplars and Red Maples co-dominant. Numerous specimen trees exist. This stand has a high retention value.

Stand 8: Category (C) This 0.7-acre stand is found on the far southeastern portion of the property bordering Omega Drive. The composition is almost all Tulip Poplars in the 1-6" DBH range. The stand does contain three (3) specimen trees on the property line. This land was probably an abandoned field or pasture that has begun to revert to forest with a number of invasive groundcover species. The retention value should be further studied due to the proximity of a non-tidal wetland.

A noise impact study was performed by Phoenix Noise and Vibration. This study took into account current conditions only. The study used the 65 dBA day/night average (Ldn) as the acceptable level for residential development. The study found that property within 150-225' of the Sam Eig Highway centerline are impacted by levels at or higher than the 65 dBA Ldn. Property within 80-166' of the Omega Drive/Fields Road centerline are impacted by levels at or higher than the 65 dBA Ldn. As project plans and traffic studies are further developed, an updated noise study should be performed modeling the increased traffic.

HISTORIC RESOURCES:

A portion of the proposed annexation area is historically known as the England/Crown Farm. Several of the farm structures were placed on the Montgomery County Master Plan for Historic Preservation on October 2, 1984, and are listed on that plan as Site #20/17. The *Montgomery County 1990 Approved and Adopted Shady Grove Area Master Plan* identifies an environmental setting consisting of a 47.5-acre parcel. This setting would be further evaluated at the time of development.

The designated buildings include a two-story frame Victorian house and an earlier log structure built circa mid-1880s. The England family had purchased this land from the Hunter family and built the house by 1894. The house has a full width front porch, intricate bracket work and cornice along its main facade. It represents a typical Maryland farmstead and appears on the Hopkins Map of 1894 under the name of Hattie England. Later, the farm was the home of George Garrett, until being purchased by the Crown family in the early 20th century. The log building, which pre-dates the main house contains a boxed staircase leading to a loft and may have been a tenant house during the Hunter family's ownership of the farm. The Site should be further evaluated for historic and architectural significance, including adaptive re-use possibilities.

As noted, an appropriate "environmental setting" should be determined and incorporated into the proposed development of the farm property. The development plan for the proposed annexation should indicate preservation and future use(s) for the house as well as the possible restoration of the log house. The City's Historic District Commission will be responsible for final determination of setting and use(s) for these historic resources.



MASTER PLAN:

Montgomery County

Montgomery County July 1990 Approved and Adopted Shady Grove Study Area Master Plan recommends that the land use pattern for development of the Crown Farm would incorporate a mix of uses: 2,000 dwelling units and 50,000 square feet of retail/commercial uses. The plan recommends a residential land use pattern that would locate most of the housing at the two proposed transit stops. The western portion of the property would have lower density housing with a housing mix of multi-family (40-50

percent), attached dwellings (40-50 percent), and detached dwellings (10-20 percent), the last to be determined at the time of subdivision and site plan review. The Master Plan suggests that retail uses of 50,000 square feet would be appropriate near the transit stops and developed in conjunction with the residential units.

A park is proposed in the high-density area adjacent to the transit stops to provide recreation for residents and employees from nearby employment. An elementary school site, proposed for west of Decoverly, would also provide recreational facilities for the residents as well as fill a need for this level of educational facility. Adaptive reuse of the historic England/Crown Farm is encouraged.

Development guidelines, in fulfillment of the Master Plan's objectives, must incorporate a mix of uses, an interconnected system of streets, street oriented buildings, diversity of housing types, and a mix of active and passive open space areas.

City of Gaithersburg

While the entire Crown Property is identified in the *2003 City of Gaithersburg Master Plan* as Special Study Area 4, that study has not yet been completed or incorporated into the adopted plan. Further, that Master Plan makes no specific land use or zoning recommendations for the property. The Crown Property, under consideration for annexation, is addressed in the Transportation Element of the 1997 Master Plan. The Corridor Cities Transitway (CCT) is shown going through the property from the southeast corner of the property.

The *1999 City of Gaithersburg Housing Policy* and *Smart Growth Policy*, as well as the Themes of *2003 Master Plan Process and Overview*, discuss the importance of maximizing single family housing throughout Gaithersburg. They also stress staging development based on adequate public facilities including existing and future transportation infrastructure and adequate school capacity. They encourage using Traditional Neighborhood Development techniques to enhance community identity along with other programs such as pocket parks, tot lots and Art in Public Places. They encourage environmentally sensitive "best practices methods" to be utilized for stormwater management and that the City participate in reducing different types of pollution including noise, visual and lighting pollution to ensure a high quality of life sustainable for future generations.

ZONING:

Current Montgomery County Zoning

The site is approximately 182.8 acres. The Montgomery County Zoning Map indicates three zoning designations. The western portion of the site, approximately 94.2 acres, is zoned R-60/TDR. The eastern portion of the site, approximately 83.7 acres, is zoned R-200. The portion of Sam Eig Highway right of way that is included in the Annexation is zoned R-200/TDR.

The R-200 Zone generally allows two housing units per acre and is similar to the City's R-A (Low Density Residential) Zone.

The Transfer of Development Rights (TDR) Program was implemented by Montgomery County in 1980 to preserve farmland and farming in the upper portion of Montgomery County identified as the county's Agricultural Reserve.

Recommended Montgomery County Zoning

The County's Master Plan recommends mixed-use residential and commercial/retail uses be developed on the farm property. As noted earlier, approximately 50,000 square feet of commercial/retail use is recommended. However, the County's Master Plan recommends that the R-60/TDR portion of the property be developed in conjunction with development of the balance of the Property (currently zoned R-200) under the Planned Development Zone with a density of 22 to 25 units per acre. The master plan provides that, through this combination, a total of 2,000 dwelling units plus MPDUs may be permitted. At 12.5 percent MPDUs, a total of 2,250 units would be the permitted residential density. Additionally, the PD Zone would permit commercial square footage of approximately 50,000 square feet.

Substantial Change

It should be noted that per Article 23A, Subsection 9(c) of the Maryland Annotated Code:

"no municipality annexing land, may for a period of five years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted Master Plan or plans . . . without the express approval of the . . . County council in which the municipality is located."

The subject petition has been referred to the Montgomery County Planning Board for their review. Because the amount of commercial/retail density proposed as part of the petition is a significant increase to the County's 1990 Master Plan, the annexation would presumably require the consent of the Montgomery County Council.

Proposed City Zoning

The applicants are requesting the designation of the Mixed Use Development (MXD) Zone (Division 19, Section 24-160D.1-13 of the Gaithersburg City Code). This zone is intended to provide a more flexible approach for comprehensively planned, multi-use projects than is allowable in various conventional zoning categories.

A specific purpose of the zone is to ensure that the development will implement the adopted master plan and other relevant planning and development policies and guidelines for the area. Additionally, the MXD zone provides procedures for various plan approvals, including phased development to ensure the adequacy of the provision

of public facilities and the concurrent implementation of community amenities. It is designed to provide a superior natural environment and to encourage an efficient use of land by locating employment and retail uses convenient to residential, thereby reducing dependency on the automobile and encouraging pedestrian circulation systems. Creative correlation of architecture and signage is stressed. And, importantly, the MXD Zone aims to assure compatibility of the proposed land uses with internal and surrounding uses through the highest standards of land planning.

Applications for the MXD zone require the concurrent submission of a sketch plan. The sketch plan includes boundaries, general location of existing and future roadways, general descriptions of future use and intensities related to density, size and height, generalized timing of road improvements, dedications of public lands, a staging or phasing plan, an outline of public facilities, general location of sensitive areas as well as a demonstration of general compliance with any City Master Plan recommendations.

The MXD zone stipulates minimum location, and development requirements (Section 24-160D.2). The development, if it does not specifically comply with an adopted master plan for that area, must satisfy the purposes and objectives of the MXD Zone. The land should include at least ten (10) acres, be located adjacent to readily accessible existing or planned highways, have public water and sewer, and have thematic and coordinated signage among the various uses. An interesting facet to this zone is that lots shall not be required to have direct access to a public street provided that this condition creates affordable housing or otherwise fosters the purposes and objectives of this zone.

The approximate total number and locations of dwelling units are to be established at the time of sketch plan approval. The commercial density, likewise, should not exceed that shown on the sketch plan, and shall not exceed a floor area ratio of 0.75.

The City Council shall approve MXD zoning and the accompanying sketch plan only upon finding that:

1. The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and,
2. The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan; and,
3. The application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas.

The City Council may also adopt, as part of the sketch plan for the MXD Zone, design guidelines regulating such elements as building setbacks, lot coverage, location and type of accessory structures, and appearance of buildings and their materials.